

Criminal Code

An added check is provided in the proposed acquisition certificate system in that not only must the new acquirer show the certificate when obtaining a firearm but the law requires the person transferring the firearm to see and record the certificate.

Concern has been expressed about the cost, which was to be charged under the previously proposed bill. I have been somewhat alarmed to note some of the statements which have been made about the matter of cost. Mr. Speaker, it is proposed that the cost of the acquisition certificate will largely be paid by the \$10, five-year fee. I believe it is proper as the committee suggested last session, that people who wish to use firearms should bear a share of the cost of protecting Canadian society from the misuse of those guns, just as society itself pays for part of that protection. The remainder of the cost of the system will be covered by the federal government; therefore a contribution will be made not only by those obtaining acquisition certificates but by the public at large. This provision is in conformity with the view of the committee and was incorporated in the legislation.

The government recognizes that the ability of gun users to handle firearms safely and competently is of great importance. Competency training and testing have traditionally been an area of provincial responsibility and so provision has been made to allow each province to have the government require completion of a safety or competency course as a prerequisite for the issuance of an acquisition certificate in that province. I am of the same view as many wildlife groups who for many years have urged competency testing programs within their provinces. I look forward to working with them and encouraging the provinces to take advantage of that provision in the bill by which they could attach competency to the issuance of an acquisition certificate.

● (1550)

Furthermore, provision has been made in the legislation, and I direct hon. members attention to those clauses in particular, to allow the provinces to ask the federal government to declare that in their provinces hunting licences, competency certificates and other permits issued in connection with the use of firearms may substitute as federal firearms acquisition certificates under the conditions specified in the legislation. Much of the debate centred around the need for local administration and provincial administration. That is being provided in this section of the proposal, if provinces want to avail themselves of that facility.

The screening of existing gun owners will be achieved through a strengthening and broadening of the court's powers of prohibition. Thus, persons convicted of an indictable offence involving violence against a person and carrying a sentence of ten years or more, or using a firearm while committing an indictable offence, would be subject to a mandatory court order prohibiting them from using or possessing firearms for a minimum of five years.

Moreover, the courts could impose prohibitions against persons convicted of other crimes of violence or offences against

[Mr. Basford.]

the firearms sections of the Criminal Code. Police may also ask the courts to issue orders of prohibition where they have information indicating that someone should not be in possession of a gun; for example, where someone consistently threatens a member of the family or a neighbour with violence. I emphasize that this is an additional screening measure affording a further measure of public protection. Now, in addition to the court or magistrate making a mandatory order of prohibition where a serious crime is involved, there will be a discretionary power in a court or magistrate to make a prohibition order with a power for police officers to apply to a court for this judicial order on proper information and belief that a certain person is a danger to himself or others, and his ability to have a gun should be restricted or prohibited.

In connection with potential domestic violence, a further preventative measure is offered through the proposal to strengthen seizure rights for police. Where police are called into a family quarrel, for example, and a gun is present, police would have the right to seize the weapon so that it does not become the tragic means of settling the dispute. Whether or not a gun is seized, the police course of action has to be justified forthwith by application to a court in order to prevent irresponsible seizure or harassment of innocent people by the police.

I submit that the two systems of an acquisition certificate for new acquirers of firearms and the provisions relating to court prohibitions and court order seizures go hand in hand. They provide an effective measure of public protection which we do not now have in the law and that we need, without at the same time unduly interfering with the rights of responsible citizens.

In all cases, a system of appeals is available to protect the rights of gun owners who have had action taken against them.

Some parts of these legislative proposals, particularly those relating to the business permit system, require the establishment of regulations in order to make them responsive and flexible.

I know there was a great debate on regulations the last time the subject was debated. Any student of Bill C-51 will notice that there is far less regulatory discretion in Bill C-51 than in Bill C-83.

On the question of dealers, it would result in an immensely rigid system to put all of the proposed regulations relating to dealers in the statute. However, these regulations have been discussed with those interested. They will be discussed with the Standing Committee on Justice and Legal Affairs, as well as with police, gun owners, and representatives of the businesses affected by them.

We continue to believe that gun owners must be better informed about responsible firearms ownership. I have described the steps being taken in the acquisition certificate system to promote competency training and testing of gun owners by the provinces. We will encourage the fullest extension of such training and testing across Canada.