

Measures Against Crime

basic tendency of government to move in that direction so as to ensure under the law that this will not happen and that the people in our society will not be forced into that bureaucratic jungle which may be totally unnecessary.

The next point is with regard to the need for proper and adequate storage of guns. People have expressed the concern that they could be found criminally responsible even if they have adopted reasonable precaution in the storage of their guns. I do not think this concern, as I read the law, is a legitimate one, but I respect those who express that view, and I am quite prepared to listen further to these arguments. I think the committee should do the same thing to ensure that in fact we are not creating a condition whereby innocent people are to be made criminals because of something they did not do.

I am not in any way making a plea that we should amend the law in such a way that there is no responsibility for the safekeeping and storage of weapons and ammunition, because that is important. I do believe, however, that we have to approach this question with reason, to ensure that innocent people are not made the victims of our intentions in this regard.

Concern is also expressed in respect of storage in relation to the distinction between urban and rural environments. It seems to me quite clear that in an isolated case, for instance, of a trapper in the north where there is not a house within 50 miles, it would be unreasonable not to allow that trapper living alone within his home to keep his rifle in the house without locking it up. I see nothing wrong with that. The same situation does not prevail if you live in Toronto, Ottawa, Vancouver, or some other area that has some urbanization. The committee ought to look at this question and the distinction that exists in reality between the storage of guns in an urban setting, in a semi-urban setting, and in a remote or rural setting.

We may be able to make an adjustment by amendment to this law that would take into account these realities of a big nation such as Canada so we do not impose totally unnecessary controls on people. We want controls where they are needed, but surely it is in nobody's interest to impose artificial controls when everybody would agree that such is evidently not required.

Concern is also expressed about the arbitrary power extended to enforcement officers in connection with storage procedures to take the weapons out of people's homes. I agree that our enforcement agencies should have the right, if they have reasonable ground to believe that a crime may be committed or that a person is unstable at a given moment in time, to go in and remove a weapon that might be used in a criminal activity, whether it be suicide, the murdering of children or wives, or whatever.

The real problem is how do we know that this legitimate need under the law will not be arbitrarily exercised by enforcement agencies against individuals whom they may not happen to like or want to harass in one way or another? I do not know how to settle that problem, but it is a problem. It is a concern felt by a society that has a great deal of distrust of law-enforcement agencies and of governments themselves.

It is on the basis of that distrust that people are moving now to question whether anybody will do anything right if

we give them powers under the law. I respect that concern and feel the committee should look at this question to find out if there is any more satisfactory way to guarantee that that kind of power will not be exercised in an arbitrary way.

Perhaps one thing the committee ought to think about in this connection is that when enforcement officers arbitrarily use this power when it is not warranted, and when there is not reasonable ground, there ought to be some method by which the aggrieved persons can take action against the agency involved. That is one thought that may be useful.

Gun collectors have also expressed a concern. Perhaps here we need an amendment so that it is possible for gun collectors to have a special gun collector's licence allowing them to own and perhaps use prohibited weapons under adequate and proper control. It seems to me there is very little useful purpose to be served by this prohibition in respect of persons who may have \$10,000, or even \$100,000 worth of guns in their homes. We have all kinds of collectors; some collect antique cars, some guns, and some stamps. There is nothing inherently illegal or improper about doing that. I think we should consider those who have been engaged in this legitimate activity prior to enactment of this law so that perhaps they might be licensed in a special way. They have no record of misuse. They have been responsible for a number of years. I think there might be a special clause, perhaps a grandfather clause or what you will, that would address itself to those who really are law-abiding citizens in this country and who do not feel they are doing anything to affect adversely the rights of any other citizen.

● (1750)

The committee must ensure that no law-abiding citizens should have their possessions confiscated without compensation. I think this is a quite legitimate concern. It is one thing to confiscate something someone has and possesses illegally, but it is another thing to make the possession of something illegal that was not previously illegal, in respect of weapons or whatever the goods are, and confiscate them from a person without compensation. Surely there are basic rights in respect of property.

We as a parliament must address ourselves to the recognition of those rights. Let us not arbitrarily confiscate property, which people had a right to have, without compensation. Surely it is not expecting too much from a parliament which proposes a law and would pass that law in the broad public interest, to turn around and, after taking things from people in the public interest, have the public foot the bill for that confiscation.

Another point is that the committee must also carefully look at those provisions relating to the use of guns by those under 18 years of age to make sure that parents and others who want to train their children in the art or sport of hunting, skeet shooting, or whatever, would be entitled to do that without too much bureaucratic entanglement. The question also has been raised respecting two guarantors on a gun licence application. Who are those persons? Will it be possible to get a gun licence in the future?

Mr. Baker (Grenville-Carleton): And the liability too.