

Measures Against Crime

be restricted,—but I do want to say to the Minister of Justice that I hope he will take the type of approach he took when the Criminal Lawyers' Association of Ontario and other concerned people pointed out to him some of the dangers implicit in unduly restricting, in the name of bureaucratic convenience, some of the privileges and some of the rights of his fellow citizens. I think it was the proposed section 440 of the criminal law amendments bill where in the name of bureaucratic convenience it was proposed to do away with some pretty fundamental procedural rights enjoyed by people charged under the law. As I remember it, the minister was going to waive to quite an extent the safe-guards to an accused having to do with procedural rules of court, and he had this section sandwiched in between a section dealing with preserving order and dealing with the public trial of juveniles. I know he did not do it on purpose, but it was a fundamental loss of privilege, and to the credit of the minister, he realized that and withdrew it.

The type of legislation, as the hon. member for New Westminster (Mr. Leggatt) pointed out, which is most needed does not even appear in this package, and that has to do with problems involving the use of hard drugs, the concept of rehabilitation, and doing something about the inordinately high rate of crime in which, unfortunately, native people find themselves involved. These are the types of things that the government ought to be concerned about, and I find it passing strange that it is placing such a priority on guns at this particular time.

I suggest that the government ought to be more concerned about the feelings of Canadians who right now are being confronted with a bewildering variety of bureaucrats, such as the statistician at Statistics Canada who can threaten—with some justification because of that legislation,—that he can put people in jail if they do not give him statistics. Also people are confronted with another type of bureaucrat, the man who comes along and demands to see their books for income tax purposes, and countless other types of the species who are empowered to encroach upon the privacy of people.

There are all kinds of bureaucrats in this country, and Canadians are beginning to resent them more and more. I suggest that in this case what Canadians are most concerned about is the fact that they are getting foisted on them another type of procedure which will interfere with something they consider pretty basic, owning a gun, and I say with all respect that that is not necessary.

I for one have a pretty healthy skepticism of the motives of the government in bringing forward this type of legislation at this time. As far as I am concerned its record in fostering or promoting the well-being of our country leaves much to be desired. The very term peace and security is a semantic trick. I always thought peace and security were the function of our armed forces. If the government wants to give us peace and security in the true national sense it will pay more attention to our defence needs, otherwise we will have the kind of peace and security they have in Russia and Cuba. I suggest it get down to the business of law and order. That is what we are talking about tonight, not peace and security.

[Mr. MacKay.]

● (2040)

When you look at the government's record, and its responsibility for protecting people's peace and security and rights, it is interesting to look at other legislation. Let us look at the Federal Court Act, Mr. Speaker. There is an interesting provision, a fairly recent one, in section 41(2) which says:

When a minister of the Crown certifies to any court by affidavit that the production or discovery of a document or its contents would be injurious to international relations, national defence or security, or to federal-provincial relations, or that it would disclose a confidence of the Queen's Privy Council for Canada—

That is interesting.

—discovery and production shall be refused without any examination of the document by the court.

This is a fairly new phenomenon. It used to require a judicial act; at least the court or judge had a right to look at the document and decide whether the Crown's representations were sufficient to stop production of the document. It is a strictly fundamental right—we no longer have it!

Let us look at another type of security for a certain type of Canadian. Take the 15,000, 16,000 or 17,000 people in the RCMP who are subject to the dictates—and I use the word advisedly—of the Royal Canadian Mounted Police Act and regulations. I have had occasion recently to look into the circumstances involved in the discharge of two RCMP veterans who were supposed all of a sudden to be unsuitable after 20 years of the highest type of service. They were discharged under regulation 173 and I think there is a good possibility they were erroneously discharged. But regulation 155 reads:

Where the discharge of a member other than an officer is ordered the commanding officer of the member shall cause a discharge board to be convened.

This was never done in the case of Messrs. McCleery and Brunet. Instead they were tossed down the garbage chute under regulation 173 which provides, the way the minister interprets it that all of a sudden a person can be declared unsuitable and be thrown out of a force he served with distinction for 20 years. This type of conduct does not give me much confidence when considering legislation like that before us, and the motives of the Solicitor General.

Some hon. Members: Hear, hear!

Mr. MacKay: How will these rules and regulations regarding the use of guns by ordinary Canadians be interpreted? How many bureaucrats will it take to interpret them? When this bill goes to committee, and I shall certainly vote to send it there, I hope we will find a way to simplify the provisions and make them more equitable. If that is not done it will cause many Canadians to become law breakers. People who have not broken the law before will, I think, refuse to accept the type of regulation that I see embedded in this bill.

The hon. member for Windsor-Walkerville (Mr. MacGuigan) had some interesting things to say when he commented on the wire tape provisions in the bill. It seems to me the Minister of Justice would be ill-advised to hurry to change these provisions as they now exist.

I understand that the Solicitor General and the Minister of Justice have had occasion to study the national commis-