

rights. My understanding, however, is that this requirement for consultation goes beyond the requirements in section 35 of the Constitution Act. It is also my understanding that the courts have held that aboriginal and treaty rights are not absolute, but this amendment would make them so, at least in the context of Bill C-68.

Again we are establishing a major constitutional precedent in a special-purpose statute. That troubles me.

I also fear that the amendment will muddy the waters. What constitutes full and considered consultations? Who decides? In my view, the amendment could easily be a recipe for endless court proceedings.

Finally, I do not agree with the amendment that removes minimum sentencing requirements for repeat offenders. This would have the effect of reducing considerably the teeth in the legislation to deal effectively with the illegal trade of firearms. The same applies with the shift from penalties under the Criminal Code to summary conviction under the Firearms Act.

We must ask ourselves how important this legislation is and how serious we are in its implementation. If this is important legislation and if we are serious, let us not water it down too much. Let us give the authorities the tools they need for enforcement.

On the other hand, the committee has proposed amendments in which I see merit. I have concerns about the minister or the Governor in Council being able to criminalize by regulation — if I may put it that way — as is contemplated by clause 119(6).

The government contends that the public consultation process which attends the making of such regulations guards against abuse. The consultation process involves prepublication in the *Canada Gazette* and a consultation period of at least 30 days, or 70 days if Canada's international treaty obligations are involved. However, I point out that this process exists by Treasury Board guideline, not by statute or even by regulation. It also does not involve Parliament. I have personal knowledge of at least one situation where departmental officials tried to sneak a proposed regulation through in the dog days of summer, and were brought up short only by a vigilant industry and by international complaints through diplomatic channels.

Accordingly, I do not have the same degree of faith in this process as my government friends. I sympathize with the spirit of the amendment proposed by the committee which would require tabling of any proposed regulation before Parliament. Incidentally, Bill C-7, currently before the Senate, raises exactly the same issue.

Honourable senators, because I disagree with some amendments and I concur with others, I am faced with the question: What am I to do? I have tried personally to go back to some basic principles. I have asked myself: Does this bill as a

whole aim to satisfy a legitimate public policy objective? Will the bill as a whole likely be effective in satisfying that objective? Is there a proper balance in the bill as a whole between achieving that public policy objective and in safeguarding the established civil rights of Canadians?

Does this bill aim to satisfy a legitimate public policy objective? This bill aims to reduce the incidence of death and injury due to firearms. It aims to reduce criminal incidents involving firearms. It aims to reduce the threat to innocent Canadians from the misuse of firearms. Even those of us who believe in a minimal role for government in society, even those of us who would like to return to Adam Smith's "watchman's state" recognize that the essential role of government in civil society is public security and safety. That is the essence of a social contract between the government and the governed.

Will Bill C-68 be effective? There is no obvious, empirical evidence that Bill C-68 will work, nor is there evidence that it would not work. Experience with similar legislation in other countries varies. At least, the interpretation of that experience varies. Therefore, I must defer to the experts, the people on the front lines. I note that two national police associations, the Canadian Association of Police Chiefs and the Canadian Police Association, support Bill C-68 in its current, unamended form, as do 44 police organizations at the provincial and municipal levels across Canada. The police argue, in part, that 47 per cent of firearms seized in criminal incidents are rifles or shotguns compared to 21 per cent that are handguns. They state that, without the information obtained through registration, there is too little control.

I am also impressed by the fact that a very large number of health care organizations, over 50 I believe, such as the Canadian Association of Emergency Physicians and many organizations representing suicide prevention experts and public health professionals, support Bill C-68.

I know that Bill C-68 is not the only solution to crime. It is not the only solution to abuse within the family or to suicide. It is a partial solution but I cannot help but be swayed by 46 police associations and over 50 health care groups who tell us that it is both an effective and a necessary step. More important, if the police organizations tell us that Bill C-68 is an important tool to add to their arsenal in crime prevention and apprehension, I am inclined to take their word for it and provide them with the legislative tools they seek.

That brings me to my third fundamental question: Does Bill C-68 as a whole achieve a proper balance between the ends it seeks and the means it chooses to reach that end? This has been a very vexing question. First, it must be noted that there is nothing in our Constitution that gives our citizens the right to bear arms. In this, therefore, there is a fundamental difference from our American neighbours. I am also told that there is nothing in our Constitution that bars the registration of firearms as contemplated by Bill C-68.