

*Gun Control*

house without warrant. As you know, in the Charter, protections against unreasonable search and seizure are no longer possible. I think many Members of this House would like to support that particular section of my Bill.

The second section of the Bill will eliminate the requirement for firearm acquisition certificates in northern and remote regions of Canada. That requirement in relation to FACs is in relation to rifles and shotguns. I know there are many who shoot targets. Many hunters, trappers and northerners would like to see the firearm acquisition requirements removed because they have turned out to be a bureaucratic nightmare for most Canadians living in northern rural and remote areas.

I want to make it clear at the beginning that I wholly support the extension of safe handling and use of firearm courses. I think the RCMP and municipal police forces, boy scout operations, rod and gun clubs and whatever else, should all be involved with the assistance of the federal and provincial Governments in putting forward those kinds of courses. As all Members will know, seven out of ten firearm deaths in Canada are self-inflicted and it is very important that proper training and handling courses be made available.

Old Bill C-51 which brought in these two wrongful laws, as I describe them also included some good things. Bill C-51 increased the severity of criminal sanctions for misuse of firearms. I support the new indictable offence, Section 83, which incurs a minimum jail sentence of one year and mandatory firearm prohibition orders for those who have been involved in firearm offences.

There has been abuse of the legislation, Mr. Speaker. The requirement that a return to a magistrate be made subsequent to Section 101 search and seizure has seldom been met as we found in the final report of the evaluation of Canadian gun control legislation. There are several rather important quotations I want to take from that final document produced for the Solicitor General (Mr. Kelleher) in relation to these two provisions of Bill C-51.

First, in relation to search and seizure of a dwelling house without warrant, I quote:

To safeguard against abuse, the legislation requires that following any Section 101 search, with or without a warrant, a report or return shall be made forthwith to the magistrate. However, we have found that in most jurisdictions, returns are made only if a seizure has occurred and a request for forfeiture is intended. Since returns are made only in those instances where the evidence is strong enough to support a forfeiture application, any protection afforded by having a magistrate review all Section 101 searches, is non-existent.

I stress those last words because this was from a study. Most of this legislation came into effect in 1979. In the years since, we have found that where police and peace officers have made use without warrant of the search and seizure provisions of a dwelling house, the proper returns to a magistrate have simply not been made.

Another quote reads:

—lack of returns on all searches means that we cannot completely endorse the opinion that Section 101(2) is not abused—

—we have found that the return procedure is not followed, except in cases of forfeiture applications. This defeats the purpose of having a judicial review of the circumstances of all searches and seizures and leaves this section open to possible abuse in the future.

On the question of search and seizure of a dwelling house without warrant, I think it is abundantly clear that the Government's own data and research on this matter makes it perfectly clear that that section of the existing Criminal Code must be removed. I hope to hear the support of government and Liberal Members in relation to this.

For many years there has been a long and strong debate in northern, rural and remote Canada about problems related to this particular power. We should keep in mind that peace officers have always had—and I support their continuing to have—the powers of hot pursuit. I support their having the powers that they have in relation to search and seizure where they have gone to a magistrate—and, in a day and an age of high technology peace officers can always set up systems where they can be in touch with magistrates—to obtain the necessary warrants. I think the protection of the rule of law and the protection of civil liberties of Canadians requires that this Draconian measure be eliminated from Canada's Criminal Code.

On the matter of firearm acquisition certificates, I have a number of quotations that I want to put on the record. They are also taken from the final report provided to the Solicitor General's Department concerning FACs:

—subtle pressures are used to eliminate potentially unsuccessful candidates. Firearm officers frequently claimed they could 'sense' poor candidates. They will usually attempt to dissuade them from making formal application. One jurisdiction estimates that informal refusals were approximately 150 times greater than formal ones.

When I appeared before the legislative committee, in determining whether or not this would be a one hour or a five hour debate, I pointed out a number of jurisdictions, confirmed with statistics from the RCMP, from the Solicitor General's Department, that there are some jurisdictions where people apply for FACs and no one is turned down. We have to ask ourselves what kind of a system has been set up where people come in and firearms officers can say yes or no without any kind of judicial review. In my constituency many times people require six days to go and get an FAC. They have to drive hundreds of miles to get to an RCMP station to apply. Then they have to wait 24 hours, and if that firearm acquisition officer is not there, for example, he is in Atlin, Cassiar, Prince Rupert, the Queen Charlottes or anywhere across the North, if the officer is not there, they simply cannot apply. I think as you know, Mr. Speaker, you cannot even lend to your own brother, father or son one of your own firearms under the existing legislation unless they go and get a FAC, even if it is to run a fox out of the chicken house.

The second quote I have is also from the final study. It reads:

Due to a general lack of data, it is difficult to assess the effectiveness of the FAC system in reducing firearm incidents.