

Gun Control

effect. For a number of reasons, and as a result of a delicate compromise, it was decided to follow the latter course.

It is implied in the explanatory notes to the Bill that the current law does not apply these screening provisions to individuals who acquired their firearms prior to its inception, and the proposed change is necessary to correct this lacuna. While it is true that the screening provisions do not apply with respect to individuals who possessed firearms prior to 1979, and who do not intend to acquire another one, there are, however, other adequate existing procedures which are intended to achieve the same end result. I am referring here to the actions which may be taken under the provisions of Section 98 and Section 101 of the Criminal Code.

Section 98 provides the authority under various circumstances for the courts to impose a prohibition order which prohibits individuals subjected to the order from possessing firearms, ammunition or an explosive substance for a specified period of time. In some cases, these orders are mandatory additions to sentences imposed upon convictions for crimes in which violence against a person is used. In other cases, a peace officer or a firearms officer, who has reason to believe that it would not be desirable in the interest of public safety for a person to possess any firearm, ammunition or explosive substance, may apply to a provincial court judge for an order prohibiting that person from possessing any of these items.

Not only do these procedures exist, but they are being used for the purposes intended. I draw to your attention, Mr. Speaker, the latest annual firearms report to the Solicitor General of Canada by the Commissioner of the Royal Canadian Mounted Police. Page 13 of this report states that in Canada, during 1986, there were 3,474 people prohibited from possessing firearms, ammunition or explosive substances pursuant to the provisions of subsection 98(1).

These are mandatory prohibition orders imposed as a result of a conviction of an indictable offence where the offender might have been sentenced to 10 years imprisonment or more. Such orders do not take effect until the offender's release from imprisonment. There were also 951 of what are termed "discretionary prohibition orders" issued in 1986 pursuant to subsection 98(2) of the Criminal Code. Under this subsection the courts have the discretion to prohibit an individual who has been convicted of an offence involving the use, carriage, possession, handling, shipping or storage of any firearm, ammunition or any offence, other than an offence referred to in subsection (1), in the commission of which violence against a person was used, threatened or attempted, and where they believe it is not reasonable for the person to possess firearms.

The courts have made good use of the prohibition orders available to them in the Criminal Code.

In addition to these procedures, I can inform you, Mr. Speaker, that there is another procedure with far-reaching implications which exists in the code for the protection of us all. Under Section 101, a peace officer may apply to a magistrate for a warrant to search for and to seize any

firearm, ammunition or explosive substance or offensive weapon which he believes would be dangerous to the public peace if it were to be in the possession or control of a person. Furthermore, a peace officer may carry out a search and seizure without a warrant in circumstances where application for the warrant would be rendered impracticable by exigent circumstances. Such a right, surely, was not conferred lightly. It impinges on our basic desire for freedom from intrusion into the sanctity of our homes.

Law with force such as this does not need the additional restrictions contemplated in Bill C-207. The control of ammunition is also an issue which apparently the Bill's author would like to inject into the Criminal Code. I think it is important for us to realize that more restrictions and controls are not necessarily solutions to all our problems. If firearms are adequately controlled, the question of ammunition should not be a problem.

Furthermore, if it is the Hon. Member's intention to control ammunition, I think Bill C-207 needs further drafting in order to avoid some real problems. Ammunition is not defined. We have in the country thousands of persons using muzzle-loading firearms. Are their black powder or lead balls considered to be ammunition? Other shooters, for economy and quality control purposes, assemble their own ammunition. I have spent hours and hours making bullets. Are ammunition components to be controlled or only assembled ammunition?

I am particularly disturbed by another effect of the amendment which would impose a type of *de facto* carrying permit regime for firearms such as any rifle or shotgun and, worse still, could turn law-abiding citizens into criminals. The Bill would not only require everyone who possesses a firearm to have a possession certificate but would also require that anyone who possesses one, or ammunition for that matter, in a motor vehicle have such a certificate.

Furthermore, the proposed amendment would require any occupant of a motor vehicle, if he becomes aware that a firearm or ammunition is present in the vehicle, to have reason to believe that some occupant of the vehicle is the holder of a possession certificate. The reasonable action of anyone finding himself in these circumstances would be to determine if indeed some occupant did possess a certificate. Ordinary citizens, in consequence of such an obligation, must become involved in the enforcement process, because if they fail to do so, they can be charged with committing an indictable offence. Enough said, I believe, of the possible dangers posed by this type of legislation.

In conclusion, let me say that this Bill does not improve the current legislation. Worse, it encumbers it with unnecessary additions and further unwarranted restrictions. I believe it is not deserving of our support.

Mr. Alan Redway (York East): Mr. Speaker, I appreciate the opportunity to say a word or two in connection with Bill C-