

Some Hon. Senators: Hear, hear!

Senator Graham: Senator Doyle always has words of wisdom. I do remember the days of prestudy. I recall that when we dealt with the emergency situation in the country with respect to the railway strike, we pre-examined that proposed legislation, but it was not prestudied.

In the same spirit of cooperation which Senator Doyle is seeking from this side, I say to him that it would have been very helpful if the bill which is now before us had been further examined. It could, indeed, have been dealt with by the Standing Committee on Legal and Constitutional Affairs over the summer when there were several months during which the committee could have done a proper examination of the bill, rather than waiting until time was running out.

I take Senator Doyle's suggestion in the best spirit of the chamber. It is something to which I would not turn a blind eye or a blind ear, particularly when it comes from someone with his very impressive credentials.

Senator Kelly: Honourable senators, on several occasions during my time as a senator, this place has debated highly contentious and politically charged legislation. The first such legislation to which I was exposed dealt with the National Energy Program. Since then, we have had the GST legislation and, of course, Bill C-22, the bill relating to the Pearson International Airport. We have before us today, Bill C-68, which is as contentious as anything that has been brought before the Senate recently.

The lesson I learned from some of these debates, and in particular the marathon GST debate, is that we all lose when the Senate is motivated, or appears to be motivated, by partisan politics. We, as individual senators, lose and, more important, this institution, and the people whom we are appointed to serve, lose.

This place is, or should be, the house of sober second thought. I do not believe, and have never believed, that partisanship should be our preoccupation. It is perhaps in vain, but I would hope that we could put aside partisanship and partisan objectives in our consideration of Bill C-68. The debate on Bill C-68 has been emotional and polarized. Those supporting the bill and those opposing it come to it from the very divergent views of the society in which we live, and of the society to which we aspire. They also come to this bill from very different views of the motives, and of the proper role of government in that society.

I believe the Senate performs its best service to Canadians when it cuts through the emotions and the politics, and examines the essence of the proposed legislation which comes before it. That is what I should like to accomplish with this bill and the amendments to it which have been proposed by the committee.

Those of you who know me, know that I am an avid shooter and hunter. I therefore bring to this debate a certain perspective and a certain knowledge of firearms. The time available does not

allow me to discuss each proposed amendment in detail. I will endeavour to be brief.

First, I have serious concerns about the proposed amendment which would allow individual provinces to delay enforcement of this legislation for up to eight years. In that regard, I have three concerns.

The first is that this could result in something constituting an offence in one part of Canada and not in another. I believe that, particularly in matters of criminal law, all Canadians, wherever they are in Canada, must be treated equally.

Second, I worry about the precedent we are establishing for asymmetrical federalism by statute in an area of exclusive federal jurisdiction. I do not believe we have considered the implications of that seriously enough. Is a special-purpose piece of legislation such as Bill C-68 the appropriate means to create such a far-reaching precedent?

Third, I worry that such a provision would encourage interprovincial smuggling of restricted firearms. We have seen how varying provincial taxation regimes led to the smuggling of tobacco on an unprecedented scale. I am afraid that, as a result of this amendment, the same type of situation would occur with respect to firearms.

I do not agree with the proposed amendment relating to antique firearms. As someone very familiar with firearms of all sorts, I know that antique weapons can be just as dangerous and lethal, in fact often more so, as modern weapons. I find it entirely reasonable, therefore, that they should be brought under the same regime.

• (2010)

Certain of the proposed amendments can be handled by regulation and, in fact, are better handled by regulation. I refer in particular to exemptions of bona fide sporting guns from the definition of prohibited firearms and the exception of bona fide museums from registration fees. The museum situation is an excellent case in point supporting regulations over a statutory amendment. What constitutes a bona fide museum will have to be carefully defined in order to avoid every gun owner, gun collector or gun merchant calling themselves a museum in order to evade the provisions of this legislation.

I also understand that bona fide museums should have no administrative difficulty complying with the provisions of Bill C-68. They will simply turn over their catalogue of pieces to the registrar and, if done in the first year after proclamation, will pay no fee.

Honourable senators, I have several reservations about the proposed amendment that would require full and considered consultations to ensure that aboriginal and treaty rights are not eroded prior to proclamation of any section of Bill C-68, or any regulation under Bill C-68 that affects aboriginals. I fully recognize that First Nations have special constitutional and treaty