

*Explosives Act***EXPLOSIVES ACT**AMENDMENTS RESPECTING DEFINITIONS,
PROHIBITIONS, LICENCES, INSPECTORS' POWERS, ETC.

Hon. Donald S. Macdonald (Minister of Energy, Mines and Resources) moved that Bill C-7, to amend the Explosives Act, be read the second time and referred to the Standing Committee on National Resources and Public Works.

He said: Mr. Speaker, this is the first amendment to the Explosives Act since 1954. Its purpose is two-fold. First, it is designed to tighten up the provisions of the present law, with regard to the management, control and disposition of explosives in the light of various events which have occurred both in Canada and elsewhere involving the use of explosives.

The Acting Speaker (Mr. Laniel): Order. I would invite those who wish to carry on conversations to do so behind the curtains. I know that some hon. members are interested in the comments of the minister on this important bill.

Mr. Macdonald (Rosedale): The second purpose is to modernize some of the terminology in the statute so as to take account of technical changes which have occurred in the field, and also to take account of certain legal requirements which have been found, over a period of time, to be necessary.

With respect to the desirability of increasing the strictness of the controls which presently exist, members of the House will, I imagine, require no conviction. They will be aware of the increasing use by violent elements not only in our community but in other communities in western society, of the kind of explosives controlled by the Act we are considering, sometimes in support of political goals, or occasionally, as regrettably occurred in my own city of Toronto last weekend, for ends which do not appear to be related to political purposes. Those who were members of the House during the 27th parliament will recall how close such acts of terrorism came to us—within several hundred feet of the Chamber, as a matter of fact—when a deranged person attempted to introduce explosives within these walls.

As I have said, the purpose of the amendment is to increase the degree of control which presently exists over explosives. It would be an offence to abandon an explosive or to be in possession of an explosive which had not been legally acquired. A comparison might be drawn with the amendment the House considered during the first session of this parliament, the amendment to the Criminal Code dealing with handguns and similar weapons. The government is under no illusion that the problem will be solved merely by making a change in a criminal statute, but it is possible for parliament to create a legal system whereby possession of such potentially dangerous items can be made subject to the scrutiny and control of the authorities, especially of the police. The government recognizes the concern felt by all Canadians with regard to the need for regulating the sale and use of explosives based on recent events in various parts of the country which have indicated a change in attitude toward acts of terrorism.

[Mr. Speaker.]

While the present act concerns itself mainly with public safety, the amendments place greater emphasis on the control, purchase possession and security against theft of explosives. The amendments are designed to give the government of Canada a measure of control over explosives which will be recognized by all authorities as stringent but workable. It is fashioned, not to complement existing provincial statutes, but to develop further the kinds of safeguards needed for public safety, production and use of explosives.

In order to establish more effective control over the sale, purchase and possession of explosives, it is recommended that section 4(n) of the act be amended to give the Governor in Council power to make regulations respecting the sale, purchase and possession of explosives. We intend to recommend that the sale of explosives be restricted to: 1. a person with a valid provincial licence authorizing the storage and use of explosives on a mine or quarry operating under provincial jurisdiction; 2. a person with a valid licence issued pursuant to the Explosives Act for the manufacture, sale or use of explosives; 3. a person with a valid purchase and possession permit.

Recommendations one and two will account for most of the explosives normally consumed, while recommendation number three will cover the balance of the explosives purchased, mainly by the small intermittent user. Recommendations one and two are already reasonably covered by existing federal and provincial licences while recommendation number three is entirely new. In the latter case, the purchaser will be required, pursuant to amendments to the regulations, to complete a form of application giving such personal information as name, address, social security number and so on and such general information as location, duration and intended use of the explosives purchased. Provided the licensed distributor personally knows or can positively identify the purchaser, he may then complete the transaction.

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A purchase and possession permit will be valid for a specific period not exceeding 90 days, and will contain detailed requirements to be observed by the permittee for the secure storage and transportation of the explosives. For identification, the explosives will be marked with the permit number and the purchaser will be required to keep the permit available and produce it, on demand, to an inspector or peace officer.

We also intend to recommend regulations which will place the onus of responsibility for the safety and security of explosives on the person who has purchased and is in possession of them, rather than on the distributor which is presently the case.

The storage of explosives on mines and quarries is exempted under Section 2(h)(i) of the act. This section was introduced in order to avoid duplication over the use of explosives in mines and quarries by federal and provincial authorities. However, it does present problems. For example, we recently adopted a new standard for explosives magazines which should greatly increase the security against theft of explosives under federal jurisdiction, but to be effective the same standards must apply to the