

(b) has in his possession a firearm knowing that the serial number thereon has been altered, defaced or removed.

It has been very alarming in recent years to see the encroachments which have been coming forward on the doctrine of reasonable doubt. We have seen it more and more in provincial statutes where a quasi-criminal law has been changed by legislators to exclude the traditional safeguards of a person not being forced to prove his innocence. It has always been up to the Crown—he who asserts must prove, type of thing. It was alarming enough when we saw it in provincial statutes or in municipal bylaws or some other less than criminal jurisprudence. But to see it in a piece of legislation which is causing such consternation across the country, is a very, very regressive step in criminal law jurisprudence.

When looking at this particular language one can only assume the proof of innocence has to be beyond reasonable doubt. In other words we have a complete reversal of the traditional safeguards for the individual. It is not the balance or probability standards which one sees in civil litigation; it is a complete perversion of the British criminal law tradition. Any person is innocent unless he is proven guilty beyond a reasonable doubt. To take this kind of Draconian measure and to reverse or completely change such a fundamental precept of criminal jurisprudence, with the object in mind of simply punishing someone who has in his possession a firearm knowing that the serial number thereon has been altered, defaced or removed, and then to say the only way to satisfy the authorities that this was not done in a culpable way, has to be accomplished by the person charged proving beyond a reasonable doubt his innocence—I do not see how any member of parliament can sit in this place and allow this legislation to be passed by this hallowed institution. As has been said by the hon. member for Calgary North (Mr. Woolliams) and my other colleagues, this particular provision alone would justify any member of parliament, who has the most commonplace respect for some of our legal traditions in this country, in voting against this piece of legislation.

Some hon. Members: Hear, hear!

Mr. Arnold Peters (Timiskaming): Mr. Speaker, I have listened to the argument put forth by the minister and by a number of other hon. members. It would be very simple to change this argument by removing this business that the proof of innocence lies with the person charged.

I remember an incident which happened to me not too long ago. I had a flat tire and I was having difficulty getting the tire off my station wagon. I do not know what the problem was. Perhaps it was because it had been on for years. The provincial police stopped and assisted me to take the tire off with a crowbar. In doing so, they noticed the tire was stamped "DOT", which is the Ontario government department of transport. One is not supposed to have those tires on these cars. They were suspicious of where I got the tire. I was able to inform them the whole car came from DOT. I had bought it from them at an auction sale. The other tires on the vehicle were stamped "DOT" as well. It is true, therefore, that in

Criminal Code

many cases you have to prove you are not responsible for something.

Someone mentioned that you should know if the numbers are changed on your motor vehicle. I do not imagine there is a member of parliament who has ever looked at the serial number on his car to see whether it has been altered or not. In fact you have to look in the book to tell where the serial number is.

An hon. Member: Look just under your windshield.

Mr. Peters: That is not the serial number of the motor and it is not the serial number of your frame. That is the registration number. Those who are very, very wealthy members, like the hon. member for Winnipeg North Centre (Mr. Knowles), and who have reasonably new cars—

Mr. Knowles (Winnipeg North Centre): Order, order!

Mr. Peters: That has only been put on very recently.

The Acting Speaker (Mr. Ethier): The hon. member for Winnipeg North Centre (Mr. Knowles) on a point of order.

Mr. Knowles (Winnipeg North Centre): Mr. Speaker, I rise on a point of order. My car is two years old.

An hon. Member: And a Cadillac at that.

Mr. Knowles (Winnipeg North Centre): It is a Chevy Nova.

Mr. Woolliams: You were the first one to buy a Seville.

● (2030)

Mr. Peters: That is brand spanking new compared with some of the vehicles I have.

Mr. Knowles (Winnipeg North Centre): How many have you?

Mr. Peters: Five or six, but—

Mr. Knowles (Winnipeg North Centre): As you were saying—

Mr. Peters: As I was saying, most people have not looked at that. It may be true that you should know whether you are buying a stolen car because usually stolen cars are sold at bargain basement prices. However, if you buy it from a reputable dealer, it might be the same price as any other car, and you will not know—you may even drive it for a long time—that it was stolen. I do not really think you should get into very much trouble if you bought the car without knowing it was stolen and had no reason to believe it was stolen. You did not make the disfigurations on the numerical designation of the car, so it can be proved that you are innocent.

I think there are shotguns on which there are not yet numbers, and I do not believe any of the old Winchesters have numbers. Some certainly have not, but I do not think most people look to see whether there are serial numbers. I know it is important to collectors that the serial numbers on all parts