

Criminal Code

He said: Mr. Speaker, the purpose of motion No. 9 is quite simple and straightforward. The bill now provides that any person who owns a rifle or shotgun—a firearm, to use the terms of the bill—and who wishes to loan that gun to his hunting companion, or any person who wishes to borrow a gun from his hunting companion, must first obtain a federal firearms certificate. It may well be that the majority of sportsmen may go for a number of years without acquiring this particular certificate simply because they are quite satisfied with the weapon they are using and do not wish to purchase another of the same type. But the minute they do decide that they want to add another weapon to their gun collection, or replace their rifle with a newer model of the same or of different calibre, they must apply for a firearms certificate.

Why should a person who for years has had a provincial hunting licence be required under the provisions of this bill to obtain such a certificate simply because he wants to lend his rifle to his next door neighbour, or to someone with whom he has hunted before and whom he knows to be a responsible individual? Ninety-nine persons out of a hundred would not lend their rifle or shotgun to a stranger. Certainly at today's prices they are not going to hand over their rifle to someone they do not know, though quite possibly they would be prepared to loan the weapon to someone they know is responsible.

Let me cite a case in point, though I can give the minister 100 examples if he wishes. Take the case of a hunting party going into northern British Columbia, the Yukon, or Northwest Territories for a period of 10 days or two weeks. They are flown in to some remote lake with all their supplies. Is the minister naive enough to think that a hunting party of three or four men will carry only one rifle each? Of course not; there will be at least one spare rifle—

Mr. Basford: Would the hon. member permit a question?

Mr. Brisco: Certainly.

● (2140)

Mr. Basford: Mr. Speaker, I wonder if the hon. member would take note of section 95(2)(a)(i) which is designed to deal with the hunting party situation, where people are hunting together and one may lose or break a gun and may not have one. They can pass them amongst themselves.

Mr. Brisco: Mr. Speaker, that is quite true. I appreciate the minister's particular point. If he reviews the Committee minutes, I am sure the minister will see that it was I who raised that particular issue with him last year when we were dealing with Bill C-83. Let me point out that that is a hunting party which is under the supervision of a guide.

An hon. Member: Do not confuse him with facts. His mind is already made up.

Mr. Brisco: In northern British Columbia a resident does not need a guide. In a circumstance where a group of hunters are going into a remote area, they always provide for at least one spare gun, because a shell blocked in a chamber or some

[Mr. Brisco.]

other mechanical failure can certainly happen. The manner in which rifles and other supplies are loaded on to bush aircraft makes damage possible. Because of that, there is usually one spare rifle in the camp.

Is the minister trying to suggest, because it is my particular rifle which has developed a mechanical problem that cannot be resolved at that time without special tools, that I have got to go to the nearest community and get a firearm certificate? Is he suggesting that I have to take my hunting partner with me because it is going to be his rifle that I will be using? If so, that is a little ridiculous. If the minister feels that is an isolated circumstance, then he is out of touch with the people in the hunting fraternity across Canada. Whether it concerns people hunting moose, caribou, duck or geese in the northern part of Manitoba, Saskatchewan or Ontario, the same mechanical problems can occur. Certainly I will not omit Nova Scotia. It is not an isolated thing at all.

An hon. Member: They hunt seals in Nova Scotia.

Mr. Brisco: What the minister is suggesting with his intervention is that we are protecting that isolated situation which can happen in the Yukon or the Northwest Territories. I raised that point last year with the minister. I asked him what would happen when a hunter has laid out \$3,000 for a licensed guide trip in the Yukon and his rifle is rolled on by a horse? His rifle can be sitting in its holster and the horse decides to roll for some reason or another, or the horse stumbles and falls, breaking the rifle. The rifle is broken, the stock is smashed, the barrel is bent or the sights are destroyed. What happens then? The minister has made accommodation for that very problem, which I thank him for. But the minister has not made accommodation for the circumstance which confronts hunters every time they are out during the hunting season. I could be out in a goose pit in Saskatchewan and have my gun block on me. I could ask my hunting partner for his gun, and immediately I would violate the law. Surely reason prevails. I am quite sure there is not going to be a police officer or a game warden sitting over my shoulder who will observe that transfer.

An hon. Member: You never know.

Mr. Brisco: Yes, but the chances of that happening are remote. Under the provisions of the bill, the law is broken when that occurs. We know it is broken, and we would rather not operate outside the law. The purpose of this amendment would cover the frequent occurrence of a rifle or a shotgun being borrowed or lent by me if there is a mechanical failure, within the hunting partnership which prevails in the hunting fraternity across Canada.

This amendment is not intended for, nor was it drafted for the other circumstance where the borrower and the lender are strangers, or the borrower and the lender may be bordering on the criminal. That is a rare circumstance. Law or not, if there is criminal intent, it does not make a difference what the legislation says. The law will be violated because that is their intention to begin with.