

*Government Orders*

Last night the justice minister put forward an amendment in Motion No. 5. That amendment states: "For greater certainty, nothing in this act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the Constitution Act, 1982".

What does that mean? It means that through section 110(t) he is going to be able to go back to the aboriginal people by way of regulations and orders in council and provide whatever exemption he wishes to provide. It is going to result in not all Canadians standing equal before this law. I heard the official opposition leader address this as well. It appears that we may have a two-tier system where there is one set of laws for the aboriginal people and a different set for the non-aboriginal people.

I submit that had he gone forward and obtained the consultation and the input from the aboriginal people first, then based upon those considerations we would all be happy and we could all support that legislation. But it would not have gone far enough for the minister, because he does want to register, he does want to license, he does want to impose those restrictions and those interventions upon the people of Canada.

He has put the cart before the horse and he is trying to finesse this whole thing by going back and saying that through the power of the regulations he has in this act he will be able to consult with aboriginal peoples and address their concerns on their treaty rights and their constitutional rights when it comes to hunting, trapping, and food gathering.

What is emerging here—and I hope I am wrong—is evidence that we are moving toward a two-tier system as far as gun legislation is concerned in this country. I regret that very much. If the minister had consulted with the aboriginal peoples in depth according to what I believe are their constitutional rights, this would not have happened. Now we are going to find ourselves perhaps in a situation where there are going to be constitutional challenges on the basis of discrimination. That is unfortunate. It ought not to be.

My own personal point of view is that in this case the aboriginal people are on the right track when it comes to the control of firearms. They are on the right track. The standard they are saying they want for the use, ownership, and the giving and lending of their firearms ought to be applicable for all Canadians. If that were the case a vast majority of Canadians would agree with it and support it. We should have started with the aboriginal people, used their needs and their requirements as the benchmark for all of our legislation in this bill. I submit that respectfully.

I want to touch on a couple of other points. I want to deal with this whole area of smuggling. I sat in the justice committee when the Canadian Police Association delegates were there. I listened to them carefully. They had basic support for a majority

of the contents of the bill, but I remember very clearly what the president of the Canadian Police Association, Mr. Neal Jessop, said. He pointed out that the strength of this bill will be based upon the ability of the government to stop smuggling in Canada.

I have a document here that was produced by the MacKenzie Institute called "Misfire: The Black Market and Gun Control". They did an eight-month survey into firearms smuggling in Canada. They talked to police officers, aboriginal peoples, smugglers, taxi drivers, the whole host of people involved in the milieu of gun smuggling and illicit firearms trafficking. They concluded that if Bill C-68 goes through there is going to be an explosion of smuggling in Canada.

• (1135)

When I compare this to the report submitted from the justice department on smuggling, their report is a hollow whitewash compared to the information contained in this document. I will not take time to go through it, but it is here. It is here for anyone who wants to look at it.

We have real problems, not with the law-abiding gun owner but with the extent of gun smuggling and the smuggling of illicit firearms, prohibited firearms, these so-called assault weapons into Canada. We have a real problem. The authors of the MacKenzie report are saying that it is going to explode if this bill goes through. I just mention that.

I want to touch on the polls and the support. I do not place much support in polls because they go up and they go down, particularly on a bill like this, where the people who are being contacted really do not know the extent to which the guns are controlled now by way of legislation.

We have over 60 pages in the Criminal Code dealing with the ownership, acquisition and use of firearms. The legislation dealing with firearms in this country is very extensive. So when we have a 124-page document adding to that and we ask people on the phone what they think about gun control, adding more laws to the gun control bill, I am not sure how well informed they are when they respond to that.

I do know that if I received a phone call and someone was telling me the government was moving in a direction to extend greater control over guns, I would say that sounds to me like a good thing to do, because it is going to make the homes and streets and communities safer in Canada. If that were my belief, if I were led to believe that from the question asked, Mr. Speaker, you bet I would support it. I would support it today if I could see it in the bill, but I cannot see it. I can understand why the polls vary, depending on the questions and depending upon the extent of information they have at their disposal about the bill.

We can see very clearly that as more and more information gets to the people, not just about the gun registration but what appears to be the possible violation of civil rights, the extension of police powers in order to inspect or search and to seize and so