

Explosives Act

the right to make arrests if they find an offence actually in the course of being committed.

Mr. Prudham: Let us go back to the case my hon. friend mentioned, where some saboteur might be trying to unlawfully ship explosives on an aircraft. If the law officers suspected that a certain parcel contained explosives and they opened it while the man was still there, it seems unreasonable that they should have to go and lay a charge and get a warrant and let the man escape.

Mr. Nowlan: It is a continuing offence. You could arrest him right there.

Mr. Churchill: I should like to support what has been said by hon. members on this side of the house. Surely what the minister is after in his act and regulations is to prevent accidents or damage from improper use or storage of explosives. It seems to me that the example he gave from Dawson Creek is really not applicable here. What purpose is there in arresting a man when what you want, or would have liked to do in that instance, was remove the explosives or properly store them. It seems to me the arrest is something that takes place after the damage has been done. It is much more useful to prevent the damage from the explosive. This section gives to a peace officer the power to make an arrest if he suspects someone of having committed an offence, but that is something that takes place after the offence has been committed, after the damage has been done. Surely the due process of law would be satisfactory without this special arrangement.

The suggestion made by the hon. member for Winnipeg North Centre to limit it just to allowing arrest without warrant when a person is in the act of committing an offence should be satisfactory. By that means you prevent any damage occurring, and that would be so in the case so ably presented by the hon. member for York West, where explosives might be in a parcel going on board an aeroplane. The power of arrest there would be very helpful, but much more helpful would be the discovery of the parcel that contained the explosive and its removal for the protection of the people on the aeroplane.

Mr. Prudham: My officials tell me they have had several instances where people have tried to break into explosives plants. Usually, for reasons of safety, these plants are isolated from communities. Although the people who were trying to break in were seen, the officers were not able to make an arrest because they had to go back and lay a charge and take out a warrant before any action could be taken. The result was that those people escaped.

[Mr. Nowlan.]

Occasionally the department gets word from an isolated place, the Northwest Territories, perhaps, that a certain individual has abandoned some explosives. They are unsafe for use and a menace to the public. Probably the individual has left the country or is on his way out; our officer might meet him, and without a warrant would be unable to arrest him.

This amendment is based on the practical experience that we have had, and we think in the interests of safety it is necessary to take that power.

Mr. McIvor: It says "reasonable grounds".

Mr. Knowles: I am still not satisfied that the minister has made any case at all for departure from the time-honoured principle in connection with matters of this kind. I had hoped that he or his colleague the Minister of Justice would give serious consideration to the proposal I made a few minutes ago. Apparently that is not going to come from that side. This matter is of sufficient importance that we should know where the committee stands on it. I therefore move:

That clause 11 be amended by deleting from lines 43 and 44 the words "or whom he on reasonable ground suspects of having committed".

If that amendment were to carry the clause would then read:

Any peace officer may without warrant arrest any person whom he finds committing an offence against this act.

I believe that is as far as we should go. I do not like the suggestion that we are being asked to change what amounts to the basis of criminal law just to suit the convenience of peace officers. It seems that there is already in our criminal law too much of a desire to make things easier for the prosecution. I offer this amendment to clause 11.

Mr. Prudham: This act is not designed for the convenience of police officers. It is designed to protect the safety of the public. I believe that the safety of the public is of greater importance than the possible inconvenience of some individual who, in any event, will have recourse to the courts.

Mr. Adamson: I want to say just one word on this. My amendment, which I withdrew, had nothing to do with arrest. My amendment was actually a protective amendment for the purpose of inspection. I must say that I find myself in agreement with the argument raised by the hon. member for Digby-Annapolis-Kings and the hon. members for Winnipeg North Centre and Winnipeg South Centre. If a man is breaking into an explosives factory he is committing an offence and can be