

Explosives Act

on many occasions in the house that I am not a lawyer, and that I must look at these things from the point of view of a layman. But I am interested in the principles of justice and freedom, and I do not like to see departures of this kind.

The chances of having an amendment made, if it is moved from this side of the house, are not the best. I would suggest to the minister that he consider having one of his colleagues move an amendment to delete from clause 11 certain words appearing in lines 43 and 44. I suggest the deletion of the words, "or whom he on reasonable ground suspects of having committed". If those words were taken out the clause would then read:

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

I would ask the minister to discuss this with his colleagues; and no colleague would be better qualified than the one sitting to his left, the Minister of Justice.

Mr. Prudham: This amendment is based upon experience in administering the act. For various reasons we feel it is necessary, in the interests of protecting the public. In some cases peace officers in the provinces administer the act for us. In isolated communities in the far north we might have special inspectors or peace officers appointed, who would have to travel considerable distances to lay a charge or obtain a warrant for the arrest of a person who is endangering the safety of the public.

The officers of this department have no desire to push anyone around; but I suggest when you are dealing with explosives you cannot afford delay, especially where the safety of the public is endangered. I can think of many instances where the provisions of this clause would be necessary to protect the public.

There comes to mind an instance during the war when the Americans were constructing the Alaska highway. At that time a construction company stored a large quantity of dynamite in a shack in the centre of Dawson Creek. Fire broke out, and the resulting explosion killed several people and practically wiped out the town. If an inspector had been on the job and had seen that condition he would have had to act quickly to prevent disaster. If he had found it necessary to go to the seat of government at Pouce Coupe to obtain a warrant, he perhaps would not have been able to act quickly enough.

This is just hypothetical, but many other situations could develop where, in the interests of public safety, a peace officer should

have the power to arrest without warrant. I am told that we have had at least one case in Ontario where a provincial officer would not make an arrest because he doubted his authority. In that instance the person who was breaking one of the regulations was able to make his escape, and it was not possible to apprehend him.

The suggested clause in the bill is based upon experience; and in view of the hazards which might develop in connection with the transportation or use or storage of high explosives, we think it is quite reasonable.

Mr. Nowlan: With all respect to the minister, let me say that I do not think he has made a case to meet the contentions of my hon. friend from Winnipeg North Centre and myself. My hon. friend stressed the fact, as I did, that the minister might ask for the power to arrest without a warrant when a person is found committing an offence. However, I did think the case to which the minister referred, in connection with the building of the Alaska highway, was a little far-fetched, because they did not have an inspector on the job. It was never inspected; therefore there was no question of an arrest being made. If there had been inspection it would not have happened. If there had been an inspector who had the right to arrest without a warrant, he could have made the arrest and prevented the disaster. Once it happens, no further lives are being risked by the fact that you have not the right to arrest a man you suspect of having done something; and of course you can use the isolated example of the peace officer up near the north pole who may have to travel 500 miles.

It is really a sad picture, but I suspect that, generally, the peace officer acts after the offence has been committed and there has been an investigation. In these circumstances he could very easily take a warrant. And, much as I respect peace officers, and much as I regret a peace officer having to make a long trip, I think it is much better as a matter of principle that you have to lay an information and take out a warrant in respect of the offence committed, once it has been committed. It is better to do that than to accept the easy explanation, "Well, this will make it harder for the peace officer". After all, the police officers who join a city force expect to make some sacrifices; they are paid for it, and they are prepared to do it.

Really, I am surprised that the minister will not accept the suggestion made by the hon. member for Winnipeg North Centre, because it is a glaring case, a matter such as this, where the amendment should be made as suggested and the past tense taken out, but, of course, leaving to police officers