

*Measures Against Crime*

desirable but a necessity in order that law-abiding citizens can continue to enjoy the use of long guns or shot guns. They, above all other citizens, realize that continued abuse of gun ownership would only result in a decline of their freedom, freedom they rightly cherish, and a right they should continue to enjoy as a result of their responsibility.

● (2110)

I realize that the section dealing with the age requirements for obtaining a licence is going to cause a certain amount of controversy, and that the provision that only those of 18 years of age will be able to obtain a firearm licence will be viewed as excessively restrictive, especially to rural areas. I also realize there is a special permit that can be obtained by minors over 14 for target shooting, game hunting, and instruction in the use of firearms; but there again that in itself may be unduly restrictive in rural communities.

I believe that the bill may be better served if a further clause were added to provide that children under the age of 18, with parental approval and when accompanied by an adult, could obtain a special permit without any restriction upon age. This special permit could then be modified so as not to allow for the purchase of firearms or ammunition and could only be used for purposes of target shooting, game hunting or instruction in the use of firearms. I hope the minister will take this into consideration as discussion of this bill proceeds.

Under the new law, Mr. Speaker, in order to implement the licensing aspect of this legislation all dealers in firearms will require a permit to engage in such a business. It is my understanding that this permit will be issued only when the registrar is satisfied that the dealer meets conditions specified in regulations; for example, that the dealer's premises are secure and the firearms and ammunition themselves are secure. If I may say so, Mr. Speaker, surely those people who are opposing this legislation cannot oppose a simple, straightforward, and logical situation which requires a dealer in firearms to have a secure premises. We should have had this requirement years ago, yet I have not heard one word said on items in this bill that I think we all agree are necessary and long overdue.

This will impose a certain hardship upon the gun and ammunition dealer since he will also be required to keep a record of all firearm and ammunition transactions in order to ensure that these transactions take place only with valid licence holders. This, of course, is going to be an imposition upon the small businessmen across Canada who are engaged in this type of business. Knowing this I can only comment that the inconvenience of recording these transactions are less severe than a total abolition of guns and ammunition. The present mood of the country is such that without this type of legislation the sale of firearms and ammunition conceivably could have been banned by this parliament.

The government's attempt to ensure that both buyer and seller are responsible is important but is only one half of the answer. Responsibility of those qualifying will not end with the issuing of a permit or licence. Those who possess firearms must use them with all due care for the safety not only of themselves but of those around them. The owner of a gun must take reasonable precaution in its use, carriage,

[Mr. Anderson.]

handling or storage, and will now be liable to prosecution if those reasonable precautions are not taken.

This is again very similar to licensing an individual to operate a motor vehicle. The licence is not an absolute right, and the prosecution and conviction of a person operating a motor vehicle in a negligent manner are well understood in our society, especially by some of the lawyers on the other side of the House. Penalties for the owners who fail to take reasonable precautions in the use of a weapon should necessarily follow, just as negligent driving results in penalties to the owner of a motor vehicle. If there is disagreement with that, Mr. Speaker, then we had better go back to square one and to the law of negligence as it applies to motor vehicles. As I said earlier, I hope a right also carries with it a responsibility.

To those gun owners who may object to this part of the legislation, I would only bring their attention to what they have been saying, which is do not impose penalties on the responsible sector of our community or society. To this I say amen. What the gun clubs have not said is that that responsibility extends to the home and to the storage of these weapons. This, I believe, is a logical step in the carrying and handling of a weapon since most of the time the weapon is in the home and not being used. It is therefore imperative that, during these long periods of time when the weapon is not being used, it should be stored in a safe manner. Again, Mr. Speaker, I feel that is common sense.

Another aspect of the gun control legislation is the proposed change to the Criminal Code that will allow the police to seize a firearm without a warrant if, in their opinion, it constitutes an imminent danger to the safety of some person. An excellent example of why this amendment to the Criminal Code has been introduced is the threatening situation that may arise, for example, if the police are called to a domestic dispute and discover a firearm on the premises. It takes no great amount of intelligence to realize that there is potential danger, and it would be an irresponsible police officer who did not take appropriate action. We are now giving him discretionary power to do so.

Under the old legislation the police were powerless to take action. Under the proposed new legislation the weapon could be seized in order to protect the individual or individuals involved in the domestic dispute. It is my understanding that upon seizure a hearing would be held in court to determine the disposition of such a weapon, depending on the circumstances. It might be returned, destroyed or disposed of, depending on the court's decision. Once again the courts are drawn into it but, as I say, I welcome the discretionary power that is given to the police.

This may be regarded by many Canadians as a step toward a dictatorial government relying upon discretion and not upon the commission of the act itself. It may be argued that this allows too much discrimination to the police, and that if an officer makes a bad decision then it is the law abiding citizen who suffers. By the same token it is ridiculous to allow a group of terrorists to accumulate a cache of weapons and the police have to wait until a crime or act of terrorism is under way before these weapons can be confiscated. I realize the problem of discretionary power given to the police. They can be wrong on occasion. How-